

Notice of Allowability

Application No.

09/706,074

Examiner

Calvin L Hewitt II

Applicant(s)

RABIN ET AL.

Art Unit

3621

9/5

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 28 September 2004.
2. ☒ The allowed claim(s) is/are 47,48,50,52-72 and 125-129.
3. ☒ The drawings filed on 03 November 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 12-27-00, 8-14-03
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Status of Claims

1. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this Examiner's amendment was given in a telephone interview with Caroline M. Fleming on 28 September 2004.

2. Claims 46-72 and 125-129 have been examined.
3. Claims 46, 49, and 51 have been canceled.
4. Amend claims 47, 50, 52, 56, 66, 68, 70, 71, 125 and 127-129 as follows:

In the preamble of claim 47 change "The method of claim 46..." to "The method of claim 125...".

In the preamble of claim 50 change "The method of claim 46..." to "The method of claim 125...".

In the preamble of claim 52 change "The method of claim 51..." to "The method of claim 125...".

In the preamble of claim 56 change "The method of claim 46..." to "The method of claim 125...".

In the preamble of claim 66 change “The method of claim 46...” to “The method of claim 125...”.

In the preamble of claim 68 change “The method of claim 46...” to “The method of claim 125...”

In the preamble of claim 70 change “The method of claim 46...” to “The method of claim 125...”.

In the preamble of claim 71 change “The method of claim 46...” to “The method of claim 125...”.

125. (Twice amended) A method for supervising usage of software on a user device comprising the steps of:

computing, by a supervising program within said user device, a first hash function value of a tag table;

sending, by said supervising program, a call-up message to a guardian center, said call up message comprising said first hash function value, an identifier value of said tag table, and a second hash function value of said tag table sent in a previous call-up message;

verifying, by said guardian center, that said hash function value of said tag table sent in said previous call-up message is a most recently stored value in a list of hash function values stored by said guardian center and associated with said identifier value of said tag table;

upon successful verification by said guardian center, appending said received first tag table hash function value to said list of hash function values associated with said identifier value of said tag table; and

sending, by said guardian center, a continuation message to said supervising program, said continuation message comprising a superfingerprint and a portion of said call-up message to detect and halt the duplication of a tag table on several user devices[.];

said superfingerprint comprising a list of hash functions resulting from hashes performed on software, a weight value W which defines how many times the supervising program should run, program P and conditions that the supervising program must hold in order to run P, and computer programs used by the supervising program to detect invalidly running software.

In the preamble of claim 127 change “The method of claim 46...” to “The method of claim 125...”.

In the preamble of claim 128 change “The method of claim 46...” to “The method of claim 125...”.

In the preamble of claim 129 change “The method of claim 46...” to “The method of claim 125...”.

Reasons for Allowance

5. Claims 47, 48, 50, 52-72 and 125-129 have been allowed.
6. The present invention is dedicated to digital rights management. Specifically, the instant application is dedicated to monitoring software usage on a user device through the use of a supervising program and a “superfingerprint”. The use of digital rights management tools by content creators to monitor and control the use of their digital product is old and well-known. For example, Ginter et al. (US 5,892,900) teach a collection of programs called “PERCs” which explicitly define a user’s rights regarding software usage (‘900, figure 16; column/line 155/37-156/43), while Cooperman (US 5,613,004) teaches copy protection using a type of watermark called a “stega-cipher” that comprises hash values of content (‘004, column 16, lines 10-16). However, neither PERCs nor stega-ciphers comprise *a list of hash functions resulting from hashes performed on the software, a weight value W, which defines how many times the supervising program should run, program P and conditions that the supervising program must hold in order to run P, and computer programs used by the supervising program to detect invalidly running software* where the supervising program is stored on a user’s device.

The Applicant's claimed system also teaches the use of "call-up messages" and "tag tables" features that are taught by the prior art of Child et al. (US 6,341,352, abstract; figures 4 and 5) and Swift et al. (US 5,719,941, abstract; column/line 7/48-8/47). However, the Applicant's system differs from the prior art of Swift et al. and Child et al. as they are used for password management and not to *detect and halt the duplication* of a tag tables on other user devices using Applicant's "superfingerprint".

In addition, the Applicant teaches monitoring software usage by sending, from a guardian center, *a continuation message to said supervising program*, wherein said message comprises *a superfingerprint and a portion of said call-up message to detect and halt the duplication of a tag table on several user devices*. This feature is not taught or suggested by the prior art individually or in combination.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Akiyama et al. teach copy prevention using watermarks
- Digimarc: Digimarc watermarking technology receives US Patent

8. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."
9. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (703) 308-8057. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James P. Trammell, can be reached at (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
c/o Technology Center 2100
Washington, D.C. 20231

or faxed to:

(703) 305-7687 (for formal communications intended for entry and after-final communications),

or:

(703) 746-5532 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

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Hand-delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, 7th Floor Receptionist.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

Calvin Loyd Hewitt II

September 28, 2004



JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3800